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8 Attorneys for Plaintiff
9 B&O Manufacturing, Inc.

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO/OAKLAND DIVISION**

13 **B&O MANUFACTURING, INC.,**

14 Plaintiff,

15 v.

16 **HOME DEPOT U.S.A., INC.,**

17 Defendant.

Case No.: C 07-02864 JSW

**STIPULATION AND [PROPOSED]
ORDER FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT AND
SCHEDULING ORDER**

18 1. The parties stipulate that Plaintiff may file a Second Amended Complaint, pursuant to
19 the provisions of F.R.C.P. Rule 15(a), not later than August 3, 2007.

20 Dated: 7/31, 2007

RICE & BRONITSKY

21 By: 

22 Paul E. Rice
23 Attorneys for Plaintiff
24 B&O MANUFACTURING, INC.

Dated: 7/31, 2007

BONDURANT, MIXSON & ELMORE,
LLP

By: 

Christopher T. Giovino
Attorneys for Defendant
HOME DEPOT U.S.A., Inc.

The Parties request that the Case Management Conference, currently set for September 7, 2007, be continued to the same date as the hearing on any motion addressing the Second Amended Complaint, and that any meet and confer and filing deadlines be adjusted accordingly.

The Parties further request the following briefing and hearing schedule:

1. Defendant shall file its Motion or responsive pleading not later than August 17, 2007.
2. Plaintiff shall file any opposition to Defendant's Motion not later than August 31, 2007.
3. Defendant shall file any reply papers not later than September 7, 2007.
4. The hearing on Defendant's Motion, if any, shall be held on September 21, 2007 at 9:00 a.m.

The Case Management Conference is CONTINUED to September 21, 2007. If Defendant files an answer, the Case Management Conference will be held at 1:30 p.m. on that day. If Defendants files a motion to dismiss the the Second Amended Complaint, the Case Management Conference will be held at 9:00 a.m. following the hearing on the motion.

IT IS SO ORDERED.

Dated: August 1, 2007


United States District Judge